

**CITY OF EL PASO, TEXAS**  
**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Human Resources

**AGENDA DATE:** 06/14/05

**CONTACT PERSON/PHONE:** Human Resources, Terry Bond, (915) 541-4509

**DISTRICT(S) AFFECTED:** N/A

**SUBJECT:**

**APPROVE:** Introduction of Ordinance 8065, Rule 30

**BACKGROUND / DISCUSSION:**

Upon approval, this new rule creates a procedure outlining the reasons and mechanisms to work an employee out of class, or out of their defined job description. The Rule establishes that an employee may be worked out of class for any of the following reasons or purposes; a position is vacant; the incumbent is on leave; to create a developmental assignment; or a catastrophic event. The Rule requires the minimum of a 5% increase to employees when the out of class assignment exceeds 15 consecutive days.

Currently employees receive experience credit for promotional opportunities when they report an out of class assignment. Beyond 30 days the Department Director requests approval from the Civil Service Commission in order for the employee to receive experience credit. However there is currently no payment for out of class assignments.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

The amount needed to pay for working out of class assignments is unknown but is expected to be minimal, and must come from a Department's approved budget for the fiscal year. Each request will signify a cost in departmental staff time to request, renew requests, and process through HR and Comptroller payroll.

**BOARD / COMMISSION ACTION:**

As per Civil Service Commission action on 05/12/05

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) LC

**FINANCE:** (if required) \_\_\_\_\_

**OTHER:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES  
AND REGULATIONS, TO ADD A NEW RULE ADDRESSING WORKING OUT  
OF CLASS FOR CIVIL SERVICE EMPLOYEES**

**WHEREAS**, the Civil Service Commission is given the duty under Section 6.1-5(A) of the City Charter to recommend appropriate amendments to the City's Civil Service Rules; and,

**WHEREAS**, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommended changes to City Council; and,

**WHEREAS**, both the Civil Service Commission and the City Council have determined that Civil Service Rules should be amended by adding a new rule addressing working out of class;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF EL PASO:**

1. That Ordinance 8065, Civil Service Rules and Regulations, is amended by adding an additional rule as follows:

Rule 30 Working Out of Class.

Section 1. When Employees May be Worked out of Class.

a. Except as otherwise provided herein, no classified employee may be worked out of their normal classification without prior Commission approval. In cases where approval has been granted, such approval will lapse upon its expiration unless renewed by the Commission for a period to be designated in the Commission's order of extension, generally not to exceed nine months. In the event of operational necessity, a department head may work an employee out of class pending approval of the Commission, but must submit an application for approval so that the matter can be taken up by the Commission not later than its second meeting after the first day the employee was worked out of class.

b. Employees may be worked out of classification for any of the following reasons or purposes: (1) to work in a position because it is vacant or because the incumbent is on leave, (2) for developmental assignment, or (3) because of a catastrophic event.

c. With the agreement of the employee, a department head may work the employee out of class for developmental assignments for a period of time not to exceed one year. In order to be considered for developmental assignment, an employee must have received an overall rating of "exceeds standards" on their last two scheduled performance evaluation reports and may not have been previously granted the same developmental assignment.

d. Employees may be worked out of class for such limited periods of time as determined to be necessary by the City Manager during the course of a catastrophic event or a period of recovery following the occurrence of such an event. In these circumstances, employees required to work out of class shall not be eligible to receive additional compensation or credit as would otherwise be extended under this Rule.

#### Section 2. Application by Department Head.

When it is expected or anticipated or when a significant potential exists that an employee will work out of class for 15 or more consecutive days and for all developmental assignments, a Department Head must, in a form or manner approved by the Commission, request approval, or renewal of prior approval, to work an employee out of classification, stating the reasons therefore, the date the necessity arose or is reasonably anticipated to arise, the likely duration of the necessity, and the difference in compensation, if any, between the employee's current classification and that to which the application relates. The Secretary of the Commission will post all applications on the Commission's agenda for consideration no later than the second meeting following the receipt of the request. In cases arising out of developmental assignments, only the duration of the length of the assignment need be set forth, together with evidence of the employee's consent. No Commission approval is required in the case of a catastrophic event.

#### Section 3. Compensation and Credit.

Except as otherwise provided in this Rule, an employee will be credited for each day of out-of-classification work for the purpose of calculating experience toward the minimum qualifications for a promotional examination related to the position. At the end of each calendar month, any employee who does not have a pending or approved working out of class application and who has performed one or more days of out-of-classification work during that month shall, before the 10th day of the following month, fill out a request to receive credit for such work and submit the request to their department head. If the department head fails to act upon the request within 5 working days, the credit shall be automatically granted. If the department head denies the request, the employee shall be informed, and may appeal as provided in Section 5 of this Rule. No more than 30 total days of credit for out-of-classification work may be granted on an annual basis based on the calendar year to an employee pursuant to this self-reporting system. An employee who is assigned to work out of class for 15 or more consecutive days shall receive compensation retroactively, at the minimum salary for the out of class position, provided further, that in no event shall the adjustment in pay be less than five per cent (5%) higher than the employee's regular rate of pay. This additional compensation shall not affect the employee's eligibility for increases in accordance with normal pay practices, nor shall the additional compensation herein provided extend beyond the period for which the employee works out of class.

#### Section 4. Supervisory Duties.

Provided that there is no employee within the same department eligible for promotion or temporary promotion under the provisions of Rule 11, Sec. 10, an employee may be assigned temporary supervisory duties pursuant to a developmental assignment as provided in Sec.1c of this Rule, otherwise, an employee may not be required to perform supervisory duties not contained within the job description he/she was working before being worked out of class.

#### Section 5. Non-Compliance with this Rule.

- a. The Commission will report to the City Manager any violation of this Rule on the part of a Department Head. The Commission may deny the application of any Department Head under Section 2 if it determines that the Department Head has previously violated this Rule.
- b. An employee aggrieved by a violation of this Rule must appeal to the City Manager within 10-days after the employee knew or should have known of the violation. If the matter remains unresolved to the employee's satisfaction, the employee may appeal to the Commission 5 days after the denial of the City Manager, or 25 calendar days after the initial appeal, whichever is later.

#### Section 6. Applicability.

This Rule becomes effective upon its adoption. Thereupon, a 60-calendar day grace period will exist to allow employees or department heads to submit retroactive requests for credit for work performed out of class during the preceding twenty-four months. Requests must be approved or denied by the Department Head not later than the 90th day after the effective date of this Rule.

#### Section 7. Definitions.

As used herein, the following terms, in their various configurations, are defined. All terms not defined shall have their ordinary meaning.

- (1) Working Out of Class—The temporary assignment of an employee to daily perform duties of a significant and distinct nature allocated to a higher graded job class other than work performed in response to a catastrophic event or as defined in Section 2.2c of the Classification and Compensation Ordinance 8064.
- (2) Days—Unless the context requires otherwise, days that an employee actually works.
- (3) Department Head—The department director or appointing authority.

- (4) Catastrophic Event—The occurrence of a sudden emergency or other incident affecting public health, safety or welfare in the City which necessitates the immediate use or mobilization of a large number of employees to respond to and deal with the incident.

2. Except as expressly herein amended, all provisions of Ordinance 8065, Civil Service Rules and Regulations, remain the same and are in full force and effect.

PASSED AND APPROVED this day \_\_\_\_\_ of June, 2005.

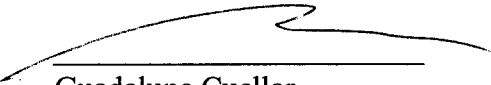
THE CITY OF EL PASO

\_\_\_\_\_  
John Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk


APPROVED AS TO FORM:

  
\_\_\_\_\_  
Guadalupe Cuellar  
Legal Advisor to the Civil  
Service Commission

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Terry Bond  
Secretary, Civil Service Commission

APPROVED BY THE CIVIL SERVICE COMMISSION ON MAY 12, 2005.

By   
\_\_\_\_\_  
SECRETARY